DOCUMENT RESUME

ED 459 776 IR 058 270

AUTHOR	Vassilouni, Stavroula
TITLE	The Role of the Directorate of Studies in the Legislative Work of the Hellenic Parliament.
PUB DATE	2001-08-00
NOTE	8p.; In: Libraries and Librarians: Making a Difference in the Knowledge Age. Council and General Conference: Conference Programme and Proceedings (67th, Boston, MA, August 16-25, 2001); see IR 058 199.
AVAILABLE FROM	For full text: http://www.ifla.org.
PUB TYPE	Reports - Descriptive (141) -- Speeches/Meeting Papers (150)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Evaluation Criteria; Evaluation Methods; Foreign Countries; *Government Libraries; *Legislation; Legislators; *Library Role; *Library Services; User Needs (Information); Users (Information)
IDENTIFIERS	Greece; *Legislative Research; *Parliamentary Libraries

ABSTRACT

This paper discusses the role of the Directorate of Studies in the legislative work of the Hellenic Parliament (Greece). The first section describes the establishment and organization of the Directorate of Studies, which consists of three departments: the department for the elaboration of bills and law proposals, the department for parliamentary research and studies, and the Secretariat. The second section covers the duties and responsibilities in legislative work of the Directorate of Studies, including its principle role of assisting the legislative work of the Parliament in a purely scientific manner, impartially and objectively without any influence from political parties, as well as several domains in day-to-day parliamentary work, e.g., elaboration of reports on bills/law proposals, answering questions submitted by representatives, legislative research, and other forms of assistance. The third section presents a SWOT (Strength, Weakness, Opportunities, Threats) analysis. (Contains 31 footnotes.) (MES)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 459 776

67th IFLA Council and General Conference August 16-25, 2001

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

A.L. Van Wesemael

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

1

Code Number: 104-103-E
Division Number: I
Professional Group: Library and Research Services for Parliaments
Joint Meeting with: -
Meeting Number: 103 (Panel 1)
Simultaneous Interpretation: -

The Role of the Directorate of Studies in the Legislative Work of the Hellenic Parliament

Stavroula Vassilouni
Directorate of Studies Hellenic Parliament
Athens, Greece

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Foreword

The form of government of Greece is that of a parliamentary republic[1]. The legislative power is exercised by the Parliament and the President of the Republic[2]. The Hellenic Parliament consists of one Chamber with 300 members elected through direct, universal and secret ballot for a term of four consecutive years[3]. In practice, however, the parliamentary mandate rarely comes to an end in four years as, quite often, there is early dissolution of Parliament and promulgation of early elections - according to the provisions of the Constitution[4].

The main *legislative duties of MPs* consist in the submission of law proposals[5], the elaboration of Bills and law proposals, participation in the work of the parliamentary committees and debate in the plenary session of the House.

1 Article 1 of the Constitution. The Greek Constitution was adopted in 1975 by the fifth Revisionary Parliament which was elected in 1974 - after the collapse of the seven years' military regime and the declaration of democracy. It was first amended in 1986 mainly as regards the powers of the President of the Republic and amended for a second time in April 2001. This recent amendment was quite broad (about 3/5 of its articles were revised) and its basic characteristic is the inclusion of new articles and provisions that were required by the needs of our time in the spirit of globalisation.

2 Article 26 of the Constitution.

3 Articles 51, 53 of the Constitution.

4 Articles 32 par. 4, 41 par. 1 & 2 of the Constitution.

5 "Bill" is the legislative Act submitted by the Government; "law proposal" is the legislative Act submitted by MPs. Bills are the great majority of Acts submitted to the House; only a very few law proposals have been voted by the

IR058270

BEST COPY AVAILABLE

Question time is when MPs exercise parliamentary control, scrutinising the actions and omissions of the Government thereby holding it to account. The members of Parliament in the exercise of their parliamentary duties enjoy the assistance of the Services of the House.

Establishment and Organisation of the Directorate of Studies

The Greek Constitution provides in article 65 par. 5 that "A Scientific Service to the Parliament may be established through the Standing Orders to assist the Parliament in its legislative work". This article was later elaborated in the Standing Orders of the House[6] which provided for the establishment of a Scientific Service consisting of three Directorates: a) the Directorate of Studies, b) the Directorate for Informatics and New Technologies and c) the Library of the Parliament[7].

The Scientific Service of the House - presided over by the *Scientific Council* of the Parliament, made up of five eminent University Professors - is under the direct administrative supervision of the Speaker of the House and the Secretary General. In other words, the Scientific Service does not come under any of the three General Directorates of the Parliament.

The aforementioned constitutional provision remained inactive until 1988 when an open competition was proclaimed to fill the posts of the Directorate of Studies[8], which was designed to include in its field of activities the tasks usually undertaken by a Parliamentary Research Service.

The personnel were recruited on the basis of a written and oral examination according to high-level requirements and specific qualifications[9]. The post of member of the Directorate of Studies is compatible to the post of University Teacher or with that of a practicing lawyer .[10] However[11], although being parliamentary officials, they are not civil servants and are employed under an "indefinite time private law contract"[12]. This decision was made by the legislature so as to enable the officials of this Directorate to

---

Parliament and became Statute law of the State. To give an example: in the session October 1998 - May 1999, 81 Bills were discussed and voted by the House, whilst only 6 law proposals were submitted for discussion and only 1 became statute law.

6 Articles 160 -163 of the Standing Orders of the House.

7 The Library of the Parliament – one of the biggest parliamentary libraries worldwide, as concerns the number of volumes – was established in 1844 by the first Hellenic Parliament which was elected following the entry into force of the 1844 Constitution. The actual Standing Orders of the House provide that it forms part of the Scientific Service of the House.

8 The Directorate of Studies actually consists of three Departments: a) the department for the elaboration of Bills and law proposals, b) the department for parliamentary research and studies, c) the Secretariat.

9 Article 162 par. 2 of the Standing Orders reads as follows:" The Heads of Departments and the Research Fellows of the Directorate of Studies are appointed on the basis of the respective public proclamation which expressly mentions the qualifications required. The Scientific Council is responsible for the evaluation of academic qualifications, scientific research and publications of the candidates as well as for the assessment of their personal qualities. The Scientific Council submits to the Speaker of the House its recommendation for the candidates to be recruited …"

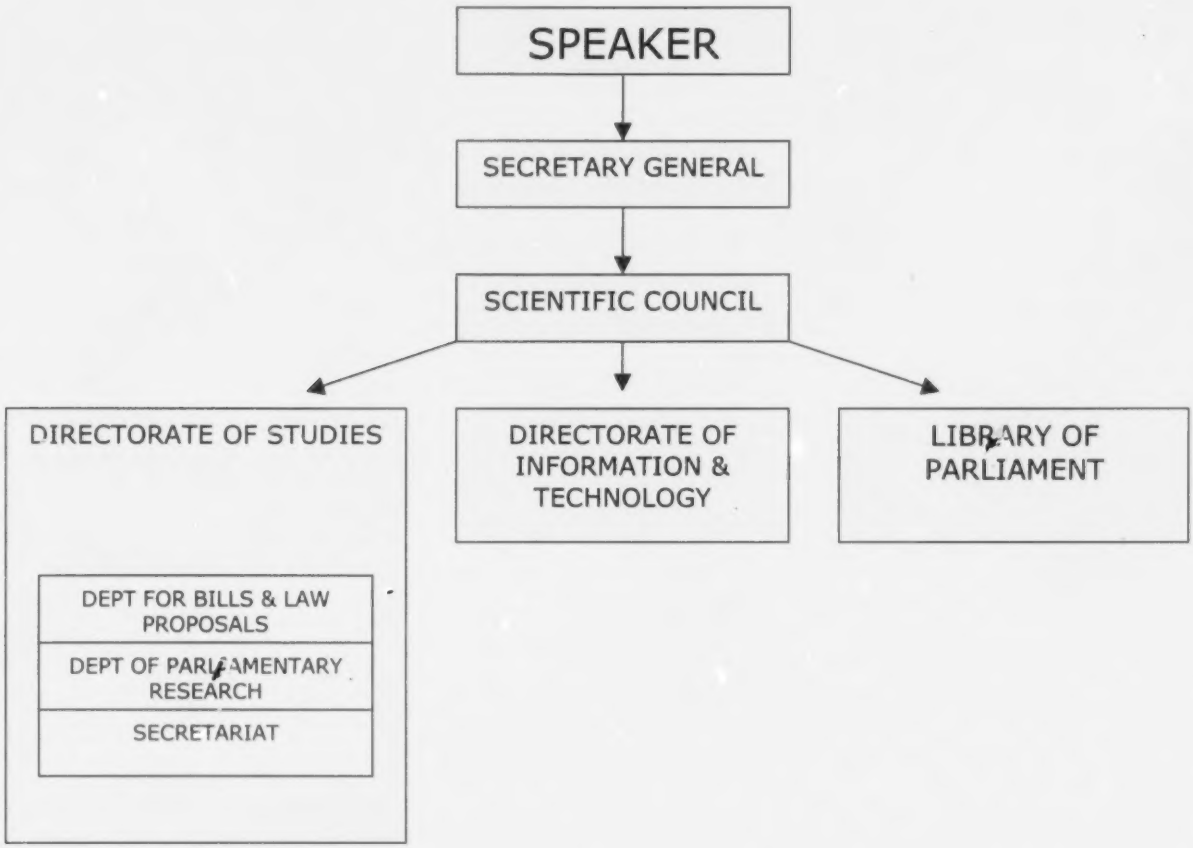
10 Article 161 par. 3 and 162 par.2 of the Standing Orders.

11 Out of the 24 posts provided in the Standing Orders, only 14 are actually filled. The recent amendment of the Constitution has resulted in the need for modification of the Standing Orders of the House. It is actually under consideration to increase the number of personnel in the Directorate and to proceed to open competition for the recruitment of new members.

12 'Contrat de droit privé de temps indéterminé'. This means that staff have the same rights and obligations as civil servants but not the same pension and social security insurance scheme benefits. The advantage is that unlike civil servants, staff employed in this way are free to continue with other professional activities.

be actively involved in academic and professional communities[13] and thereby, keep up to date with professional developments, thus enabling better performance of their duties in the Parliament.

The organization and function of the Directorate is described in the "internal regulation" of the Service[14] and is illustrated by the following diagram.



Duties and Responsibilities in Legislative Work

The principle role of the Directorate of Studies is to assist the legislative work of the Parliament in a purely scientific manner, impartially and objectively without any influence from political parties [15], and there are several domains in the day-to-day parliamentary work where the Directorate is called to assist:

---

13 The number of officials in the two Departments of the Directorate is actually fourteen. One of them is the Director and two are the Heads of the Departments. Thirteen out of fourteen are of legal background (practicing lawyers – members of the Bar Association) while one is an economist. Twelve of the fourteen members are PhD holders. Nine members are University Professors.

14 Official Gazette vol. A/ 101/25.4.1989

15 The Parliament entitles all MPs to three personal assistants (i.e. one is employed by the private sector and remunerated by the Parliament, while two are detached from the civil service). Although these assistants - who do not become parliamentary officials - may be required to undertake research, give legal advice or offer any other help requested by the MP, they work only for the benefit of the MP and their quest does not necessarily go in great detail.

BEST COPY AVAILABLE

Elaboration of reports on Bills/law proposals

Each Bill[16] and law proposal submitted to the Parliament is forwarded to the Directorate for scientific elaboration. The research fellows in the Directorate proceed to a thorough and detailed examination of the Act[17] based on legislation, jurisprudence, European law and legal documentation. A report is then drafted which aims to draw MPs' attention to any incompatibilities in the Bill/law proposal, with regard to the Constitutional provisions, national legislation, EU primary or secondary legislation, case law and international law. Whenever applicable, these reports include comparative elements on similar legislation in other European countries.

These detailed reports[18] are of great importance to the legislative work of the Parliament as they form *arte legis* documents[19], which, quite often, raise issues for discussion in the plenary session and, despite their mere advisory nature, have sometimes resulted in the modification of provisions previously agreed upon in the Standing Committees.

The drafting of the reports requires speed, accuracy and up to date expertise: there are times when a Bill submitted to the Parliament is brought for discussion before the plenum or the section in only a few days. As a rule, the reports ('expose de motifs' or 'bills digests') are delivered to the MPs prior to the debate in the plenary session and, occasionally, before the elaboration of the Bill by the relevant Standing committee. This was the situation under the previous Constitution that provided for the passing of legislation only by the Plenary Session or the Summer Section – when Parliament is in recess.

The amendment to the Constitution of April 2001 introduced a new article[20] which provides for the possibility of debate and passing of legislation by the Standing Committees. This new legislative procedure will be provided for in the Standing Orders of the House whose amendment is under consideration. It is believed that the passing of legislation also by the Standing Committees will increase the quantity of voted legislation.[21] It will also most probably have a significant impact on the corresponding work of the Directorate of Studies.[22]

---

16 Bills which ratify international treaties/conventions are excluded from elaboration by the Directorate - unless expressly required to do so. The Speaker of the House may make this request on his own initiative or foloowing a request by the leader of the opposition or the leader of a parliamentary faction. Also excluded are Bills codifying national legislation (e.g. civil law code, criminal law code etc). This is because no amendments may be brought to such Bills which are either voted on the whole or rejected. The Speaker of the House may make this request on his own initiative or following a request by the leader of the opposition, leader of a parliamentary faction.

17 Not only of the text itself, but also of the reports ('exposé des motifs') which presents the principles of the draft legislation and a detailed explanation on the need for the proposed legislation according to its drafter's opinion.

18 The reports are drafted by the research fellows of the Directorate, discussed and reviewed by the Director and by one member of the Scientific Council, signed and distributed to all MPs.

19 At the end of each parliamentary period these reports are published and are freely distributed to public authorities, the Judiciary, Universities and to anyone interested in obtaining background information on passed legislation. They also serve as tools to the interpretation of statute law, similarly to the explanatory reports, the proceedings of the Standing Committees and the minutes of Parliament.

20 Article 70 par.2,3,4,5 of the Constitution.

21 The Hellenic Parliament has voted 2.759 Statute Laws in the years 1975 – 1999.

22 The Directorate of Studies prepared reports for 120 Bills out of the total 388 Bills which passed through the Parliament in the last parliamentary period (i.e. October 1996 – March 2000).

Questions submitted by MPs

MPs come to the Directorate with various kinds of questions[23] regarding the exercise of their parliamentary duties. This is usually in writing[24] although in some rare cases oral requests have been answered.

The most interesting questions are usually those where comparative law elements are required in order to enable MPs to submit law proposals or better sustain their arguments in the debate of Bills. The majority of questions, however, need responses based on national legislation or E.U. secondary legislation and include no comparative research. Quite often the questions addressed to the Directorate are composite and do not rely merely on the provision of information but on research or critical analysis: MPs are free to ask the scientific opinion of the Directorate on any issue of parliamentary concern.

Questions submitted by the Speaker and the Secretary General

The Directorate of Studies may be called directly by the Speaker of the Parliament or via the Scientific Council, to contribute to scientific projects, to deliver opinion on crucial parliamentary and legislative issues, to participate in parliamentary fora, or to undertake research on specific legislative problems. This is usually the most challenging work which is often over and above daily business.

The Secretary General[25] addresses to the Directorate of Studies requests on legislative procedure and other parliamentary matters submitted by other Parliaments, international organizations, public authorities etc. Moreover the Secretary General may also require information on comparative parliamentary procedures and practices as well as other reports and studies on current issues of parliamentary concern. Requests from the Speaker and the Secretary General are generally given priority, depending on their urgency [26].

Legislative research

One domain that used to be very active in the first years of the Directorate and which eventually diminished in size and enthusiasm due to the enlargement of other fields of activity, is that of legislative studies and research[27]. The members of the Directorate, considering the actual needs of parliamentary work at each period of time, may offer to undertake the preparation of research studies on specific topics

---

23 After the elections they usually ask whether the exercise of their professional activity is compatible with their status as MPs, according to article 57 of the Constitution which was recently amended. During the parliamentary period the questions asked are related to the exercise of their other parliamentary duties.

24 The question is registered by the Secretariat and submitted to the Director who in collaboration with the Head of Department will decide the research fellow responsible for handling it. The draft response is discussed within the Directorate, countersigned by the Director and dispatched to the MP. Further clarifications may be given orally.

25 In Greece, as in several other countries, the Secretary General is not a parliamentary official but is appointed directly by the Speaker and does not necessarily have a legal background. Thus, in Greece, the post of the Secretary General is not that of the legal advisor to the Speaker, as in many countries.

26 During the parliamentary session April 2000 – June 2001, the Directorate of Studies inter alia elaborated reports on 39 Bills and replied to 120 questions by the Speaker, the Secretary General, MPs, foreign institutions etc.

27 Ten research and documentation papers were published by the Printing Office of the Parliament in the period 1989 –1993.

of broader parliamentary interest which aim to assist the legislative work of the House[28]. The proposals are discussed with the Scientific Council. The research papers are publications of the Parliament freely distributed to anyone interested.

Other forms of assistance

Research fellows regularly attend the meetings of certain parliamentary committees [29] and they contribute to their work by providing scientific background information and specific know-how. Whenever expressly requested, research fellows support the work of other committees in the performance of their legislative tasks. The imminent amendment of the Standing Orders of the House to meet with the new provisions of the revised Constitution will affect the legislative procedures in the Standing Committees.

A SWOT (Strength, Weakness, Opportunities, Threats) Analysis

Strengths

- Quality of staff
- Support of an external, academic Council
- Good relations with other Support Services of the Parliament: in the performance of its duties the Directorate of Studies routinely seeks the invaluable support of the other Services of the Parliament[30]. Therefore, good relations and close co-operation between the various services of the House is a *condition sine qua non* prerequisite for the successful accomplishment of its duties.
- Staff links with professions and the academic community.
- The Statutory obligation of public authorities to provide information: the right to obtain information from public authorities[31] without the usual bureaucratic trammels is another important support in the daily bulk and pressure of time!

Weaknesses

- Only 14 of the 24 establishment positions are filled: the rather small number of members in the Directorate and the increasing number of requests in the broad sector of parliamentary research, remain the main obstacles for any further development in the work of this service. This means that there are sometimes delays in responding to requests and difficulties in handling the variety of questions.
- 13 of the 14 staff are lawyers (one economist) necessarily limiting the range of expertise available to MPs

---

28 A few examples of such papers are: 'the historical development of the parliamentary budget in the period 1975-1989' , 'the role of national Parliaments in the European Community', ' review of the international position of Korea, Peru and Chile in view of the Bills on the establishment of new Greek Embassies', and 'short-term economic prospects in the European countrie' (information bulletin).

29 E.g. the Committee on Technology Assessment, the European Affairs Special Standing Committee.

30 E.g. the library, the General Directorate for parliamentary work, the Directorate for Informatics and new technologies, the General Directorate for International relations and Communication, etc.

31 Article 162 par.6 of the Standing Orders provide that "Ministries, Public Service, Local Authorities, Universities, Research Institutes, Public Libraries and other legal entities of the public sector are obliged to provide any requested information necessary for the accomplishment of the work of the Scientific Service of the Parliament".

- The requirement for the submission of written requests through a hierachy which can slow the process

Opportunities

- Growing demand
- Decision to recruit full complement of staff to 24 provides the opportunity to broaden the range of epertise available to MPs and thus convince them further of the value of the service
- Support of a distinguished external Council provides prestige and a continuing opportunity to develop academic networks.

Threats

- Unmet MP needs for specialised expertise.
- Increasing work levels.

Concluding suggestion

The research services of national Parliaments would greatly profit from the establishment of close co-operation between them. Quite often questions asked by parliamentarians have already been examined by other Parliaments. Very often, problems and difficulties faced by national parliamentary research services are similar to those being dealt with by services in other Parliaments.

It would be worth considering the possibility of establishing a new website to facilitate communication between the research services of national Parliaments. This would render easier the immediate exchange of information and experience.